

**REMARKS/ARGUMENTS**

This Amendment and the following remarks are intended to fully respond to the Office Action dated December 22, 2004. In that Office Action, claims 1-17 were examined, and all were rejected. More specifically, claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jeffords et al. (USPN 6,510,478); and claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeffords et al. in view of Applicant's admitted prior art. Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claim 1 has been amended; no new claims have been added; and no claims have been canceled.

**Claim Rejections – 35 U.S.C. § 112**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended above to improve its form. In light of this amendment, it is believed the current rejection under 35 U.S.C. § 112 has been obviated and reconsideration is respectfully requested.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jeffords et al. (USPN 6,510,478). Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). Applicant submits the Examiner has failed to substantiate a prima facie case of anticipation.

Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(b), as such rejections might apply to the amended and original claims above. More particularly, regarding claim 1, Applicant respectfully disagrees with the Examiner in that the Jeffords

reference does not identically disclose, either explicitly or inherently, “analyzing the request to determine whether the request is made by the lock owner” or “modifying at least one property associated with the lock” as defined in amended claim 1. In the abstract, Jeffords discloses when a process needs to access the shared object, the process requests control from the lock owner. No analyzing the request to determine whether the request is made by the lock owner is disclosed or suggested. Similarly, no modification of at least one property associated with the lock takes place. In the abstract, Jeffords discloses that the lock owner places the requesting process in a queue and waits for the lock to become available. Again, nowhere in Jeffords is disclosed or suggested modifying at least one property associated with the lock, as required by claim 1 of this disclosure. Therefore, Applicant submits claim 1 is allowable in light of the Jeffords reference, and respectfully requests it be allowed. As claims 2-7 depend from allowable claim 1, Applicant respectfully submits they are also allowable and respectfully requests they be allowed.

Regarding claim 8, again the Examiner has failed to make a prima facie case of anticipation. Specifically, the Jeffords reference fails to show or suggest a lock object, wherein the lock object comprises a plurality of properties, and wherein a first property identifies a lock owner as required by claim 8 of the present disclosure. Jeffords may disclose a lock that may be controlled by different systems while the systems are using the resource. However, Jeffords does not teach a lock object with a plurality of properties, and wherein a first property identifies a lock owner. For these reasons, the Applicant submits claim 8 is allowable in light of the Jeffords reference, and respectfully requests it be allowed. As claims 9-10 depend from allowable claim 8, Applicant respectfully submits they are also allowable and respectfully requests they be allowed.

Regarding claim 11, again the Examiner has failed to make a prima facie case of anticipation. Specifically, the Jeffords reference fails to show or suggest a determination module for determining whether the requesting process owns the lock object associated with the resource as required by claim 8 of the present disclosure. Jeffords may disclose the requesting process requesting the resource from the owner. No determination or determination module is suggested or disclosed. Therefore, the Applicant submits claim 11 is allowable in light of the Jeffords reference, and respectfully requests it be allowed. As claims 12-17 depend from allowable claim 11, Applicant respectfully submits they are also allowable and respectfully requests they be allowed.

**Claim Rejections – 35 U.S.C. § 103**

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jeffords et al. in view of Applicant's admitted prior art. Because Claim 17 depends from claim 11, and the Examiner has failed to show each and every element is found in the Jeffords reference as outlined above, the Applicant submits it is also allowable and respectfully requests it be allowed.

**Conclusion**

A Petition for a one-month extension of time is filed with this Response, along with the extension fee of \$120. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested.

Dated: \_\_\_\_\_

4/22/05



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Dougherty". The signature is written over a horizontal line.

Thomas Dougherty, #51,214  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
303.357.1648